Iron County Register.

E. D. AKE, : : : : : EDITOR.

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IRONTON, MO.,
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Proctor Knott, having been a prominent Misourian, will make an excellent Governor for Kentucky.

The Star-Route trials will probably come to an end this week, and special Government counsel will have to go back to the lesser pay and harder work of the regular practice—if they have any practice.

The army authorities have determined that non-payment of debts by officers constitutes no court-martialable offense. They are right. Courts-martial are not intended to act as collection agencies.

The new town of Moody, twenty miles below West Plains, in Howell county, was destroyed by a cyclone last Friday, and entirely blown away. All the houses were demolished, but no life was lost. Several farms were badly damaged.

Kring having gone the way of all flesh, we patiently await the next game of legal shuttle-cock. It is singular that his lawyer did not serve notice of stay of execution upon the Supreme Arbiter. But, then, perhaps, he cannot gain admission into so high a court.

The Brooklyn Bridge was formally opened to the public last Thursday. President Arthur and lots of the "bigwigs" were in attendance at the ceremonies. A great deal of gunpowder was burned, wine, whisky and beer flowed plentifully, and all New York and Brooklyn—made one by this connecting link—took a holiday. The great bridge cost about $15,000,000.

The New York *Sun* calls on the famous Rev. Jo. Cook to give a public exhibition of his powers in "the manly art." In the rumpus which he had in a Chicago hotel last Wednesday night, he boasted of his fighting capacity in a way that would shame the heroes of the prize ring, and spoke of his adversary with reckless contempt. "In a fair fight," cried the Rev. Jo. Cook, "I can knock that man to pieces;" and soon afterward, in a statement which he furnished to the Chicago correspondent of the *Sun*, he made a still fiercer declaration in these words: "I could thrash five such men as Gill." That paper says: "What we maintain is that the Rev. Jo. Cook should not make a private thing of thrashing five such men as Gill; he should give a public view of the feat in Madison Square Garden, tickets one dollar. He would in this way draw a bigger crowd than he has ever drawn to any of those theological lectures of his that have furnished so much fun to theologians."

United States Vs. James Hughes.

CHARGE: PASSING COUNTERFEIT MONEY.

The evidence shows that on or about November, 1882, the defendant, at Iron county, Missouri, passed and paid out to G. W. Scoggins, a farmer, two silver dollars, one of which is claimed to have been a counterfeit coin. The testimony of Scoggins, Roble, Bowen, Mrs. Bowen and Folks identifies the coin here in court, and which is proven to be counterfeit, as the same coin thus passed by defendant; and unless rebutted or otherwise impeached, their evidence is conclusive on that point. Folks and Mrs. Bowen identify the coin by some gashes cut into it by Folks, and all the aforesaid witnesses agree that the dollar passed was a new one, and dated 1882. So far as I have been able to ascertain from a careful consideration of all the testimony in the case, this evidence stands unimpeached and unrebutted.

It also appears from the testimony of Scoggins that, at the time this money was paid to him by defendant, Scoggins must have had his suspicions aroused as to the genuineness of the money, for he testifies that he told the defendant "they looked new;" and the defendant answered, "If they are not good you can bring them back." This statement would imply that defendant knew from whom he had received this money, and it might reasonably be expected (in view of this evidence showing that his attention was called to it at the time) that defendant would have produced the person from whom he did receive the money. This, however, he did not alone not do, but he also utterly failed to explain this conversation, or even refer to it in his testimony. In answer to a question, after examining the coin, he merely says: "If I ever passed that dollar I didn't know it." And again: "I must put my specs on to determine whether it is a genuine piece of money or a counterferfeit." And after that, without any hesitation, he says: "I take this to be a bad dollar."

The evidence also shows that all the necessary implements and materials to make counterfeit money on short notice, or desire, were found in the defendant's house when arrested. It is true the evidence brought out by defendant's counsel, in answer to his leading questions on cross-examination of witnesses, also shows that most of these articles may be used for other purposes; but the fact remains, as testified to by both Mr. Wheeler (whose testimony the defence admits to be true and of a very high character) and Mr. Terryll (whose testimony on this point is corroborated by that of Mr. Wheeler in nearly every respect) that all the materials and implements found (except tinfoil, which Mr. Wheeler says he never before found in counterfeiters' outfits,) are such as are usually found at the arrest of counterfeiters, and that the square or squares found are the very squares used by counterfeiters to make their molds in; and Mr. Wheeler says: "This, inside this square, is plaster Paris; they use it in making molds; I have seen it before," &c.

Mrs. Bowen also testifies that one night she entered unannounced into the room of the Hughes family; that she found Mr. and Mrs. Hughes there alone; that the former hastily left the room, and went up stairs carrying with him certain articles which he tried to hide from her; and there was a lot of very bright metal lying on the table, and also on the floor, that appeared to have been spilled there; and that she was so frightened by what she saw there that she didn't stay but a very short time. She also states that at the same time she saw one of the squares used for making molds standing on the table, and that Mrs. Hughes told her that her husband had been mending rings; but no rings were seen by the witness, and she did not think the metal there looked as metal to solder rings.

The explanation given by Mrs. Hughes seems to be the chief ground of defence to account for the presence of the tale-telling material and implements found; and it is contended that the defendant was a kind of general tinkerer, and wanted them for that purpose. Yet we find no soldering iron, without which such work cannot be done; nor any rosin, which is equally necessary It is true defendant tries to explain the absence of the latter by stating that he used muriatic acid for the purpose of tinning and soldering, and he tried to demonstrate how he did it in connection with a peculiarly-shaped piece of tin; yet Mr. Fontaine, a witness for the defence, states: "Take the soldering iron hot and muratic acid, and it will tin it, but not for use;" and then, testing the metal on the piece of tin, he says, positively, "No, sir, that will never do it."

It is further to be remarked that the defendant, in his own testimony, voluntarily given, wholly failed to explain the cause of his hasty exit and the presence of the spilled metal at the time of Mrs. Bowen's entrance into the room.

Another fact, which appears prominently from the testimony, is, that the materials and implements found were so found in out-of-the-way places in the house—some at one place and hid on a rafter, and others elsewhere, covered up by boards—instead of in the defendant's shop; and, in fact, it is proven that the shop contained neither work-bench nor vises, screws or other implements usually found in the shops of tinkerers, gunsmiths and blacksmiths, all of which trades the defendant is said to have followed for the last three years. The evidence also shows that the defendants earnings for the last three years resulting from his trade-work were less than sixty dollars.

These being the facts as found from the evidence, the next question is, What is the law applicable to these facts?

It is contended by counsel for defendant that, according to Mr. Greenleaf, the finding of these articles would be admissible as evidence of guilt only in case that they had been found previous to the principal charge; but as in this case they were found at the arrest in May, 1883, and the offence is charged to have been committed in November, 1882, therefore the evidence is not admissible.

It is true that Mr. Greenleaf does so state the rule in certain cases, but on examination it will be found that this only applies to cases where bank notes or coins are proven to have been found in defendant's possession or passed by him anterior to the charge, but that this rule does not apply to counterfeiting material such as was found in this case.

In Chitby's Criminal Law, Vol. II., page 103, not A., it is stated that "Houses and other suspected places may be searched for tools and base coin, which may be seized and produced in evidence;" and in Blackstone Commentaries, Vol. IV., page 84, it is stated that "counterfeiting the King's money is treason at Common Law," even without passing it; that is, even where the principal charge of passing it is not proven.

In Wharton's American Criminal Law, section 634, it is stated that a defendant's conduct during the *res gestæ*, as his manner at the time of passing the note, is admissible to prove intent and motive. Also, section 631, in relation to guilty knowledge, the same author holds that evidence of other acts or conduct, of a similar character, even though involving substantive crimes, is admissible to prove guilty knowledge. * * * It may also be proved by the fact of * * * implements for forging, found in the possession of the defendant; and in section 1502 it is stated, in a case of counterfeit half-dollars of Peru, that the procuring of dies was an act in furtherance of the criminal purpose, sufficiently evidencing the criminal intent; and Mr. Greenleaf, section 110, states that evidence showing that defendant had instruments for manufacturing forged articles, is admissible to prove guilty knowledge, and that the same doctrine is applied to the crime of uttering counterfeit coin, and that this kind of evidence has been extended to proof of scienter on the trial of an indictment for falsely representing the bill of an insolvent bank as good.

In the case of United States vs. King, 5 McLean, 208, referred to in his argument by Assistant District Attorney Smith, it is held that on an indictment for counterfeiting, the guilty participation of the defendant may be inferred from the proof that, amongst other articles, instruments and appliances for making it were found in his possession

It certainly cannot be contended seriously that the court meant to say that, after the finding of those articles, the defendant should be set loose to give him a chance to pass counterfeit money before the evidence would be admissible; such a rule would be an aiding in the violation of law, which is abhorrent to all principles of law.

These being my views of the facts, and the law, I think there is probable cause to believe that the defendant is guilty of the offence charged in the complaint, and it is my duty to bind him over to answer an indictment that may be found against him.

At the suggestion of defendant's counsel, the bond for defendant's appearance is reduced from one thousand dollars to the sum of five hundred dollars, upon the giving and approval of which bond the defendant will be discharged. BD. SWART,
Commissioner U. S. District Court Eastern District Missouri.
IRONTON, Mo., May 22, 1883.

Stray Notice.

Taken up by A. H. Eaton, of Dent township, Iron county, Mo., and posted before B. F. Walker, a Justice of the Peace, one bay horse; 8 years old; 14¾ hands high; right hind foot white; saddle and gear marks; shod all round; and when taken up had a tolerably large bell on. Was appraised at forty dollars, by J. P. Barger and C. O. Smith, on May 10th, 1883. B. F. WALKER, J. P.